

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

**JOHN DEERE CONSTRUCTION &  
FORESTRY COMPANY, INC., a  
Delaware corporation, and DEERE  
& COMPANY, a Delaware  
corporation,**

**PLAINTIFFS,**

**V.**

**DREW HOOVER AND KIMBERLY  
HOOVER,**

**DEFENDANTS.**

***CASE No. 2:07CV150-MHT***

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**MOTION FOR ENTRY OF DEFAULT JUDGMENT (KIMBERLY HOOVER)**

This action was commenced, February 20, 2007, with the filing of a summons and complaint by John Deere Credit and Deere & Company. A copy of the summons and complaint was served on Defendant, Kimberly Hoover, by certified mail, February 26, 2007, and proof of service has been filed with the Clerk of Courts.

The Defendant has failed or refused to answer or otherwise respond. Therefore, John Deere Construction & Forestry Company, Inc., requests a judgment against the Defendant, Kimberly Hoover, in the amount of \$84,293.45.

This motion is supported by the affidavits of Von G. Memory and William Ross.

Respectfully submitted June 13, 2007.

Memory & Day

By: /s/ James L. Day  
Von G. Memory (MEM001)  
James L. Day (DAY004)  
Attorneys for John Deere  
Construction & Forestry  
Company

OF COUNSEL:

Memory & Day  
Post Office Box 4054  
Montgomery, AL 36103-4054  
Tel (334) 834-8000  
Fax (334) 834-8001

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing document on the following, by:

- ☒ placing same in the United States Mail, postage prepaid, and properly addressed
- ☐ E-mail or ECF (Pursuant to Fed. R. Bankr. P. 9036)
- ☐ facsimile
- ☐ hand delivery
- ☐ delivered in open court

on June 13, 2007.

Kimberly Hoover  
211 Geohagen Circle  
Laurel Hill, FL 32567

/s/ James L. Day  
OF COUNSEL

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HOOVER,

DEFENDANTS.

CASE No. 2:07CV150-MHT

STATE OF ALABAMA

COUNTY OF MONTGOMERY

AFFIDAVIT OF VON G. MEMORY

I, Von G. Memory, being duly sworn, deposes and say:

1. I am a member of the Bar of this Court and am associated with the firm of Memory & Day, attorney for Plaintiffs in the above-styled action, and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rule 55 of the *Federal Rules of Civil Procedure*, in support of the Plaintiffs' application for the entry of a default judgment against the Defendant, Kimberly Hoover.

3. This is an action to recover money owed by the Defendant to the Plaintiffs under loan contracts-security agreements.

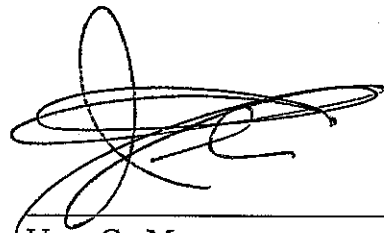
4. Jurisdiction of the subject matter of this action is proper.

5. This action was commenced on February 20, 2007 by filing the summons and complaint. A copy of the summons and complaint was served on the Defendant, February 26, 2002, by certified mail and proof of service has been filed with the court. The Defendant has not answered the complaint and the time for the Defendant to answer the complaint has expired.

6. This action seeks judgment for the amount of \$72,994.30, court costs of \$350.00, and attorney fees of \$10,949.15 for a total of **\$84,293.45** as shown by the annexed statement, which is justly due and owing, and no part of which has been paid except as therein set forth.

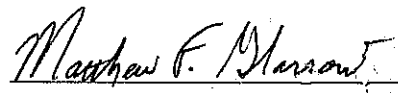
7. A reasonable fee for professional services rendered is 15% of the recovered amount, or in this case, \$10,949.15.

Dated, June 6, 2007.

  
\_\_\_\_\_  
Von G. Memory

Sworn to and subscribed before me on this 6<sup>th</sup> day of June 2007.

(Seal)

  
\_\_\_\_\_  
Notary

Exp. NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Apr 29, 2008  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Prepared by:  
Memory & Day  
P.O. Box 4054

Montgomery, AL 36104  
Phone (334) 834-8000  
Fax (334) 834-8001

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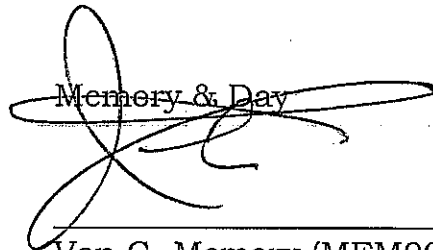
**STATEMENT OF EXPENSES IN SUPPORT OF**  
**AFFIDAVIT FOR DEFAULT JUDGMENT**

COMES NOW the Plaintiffs and submit the following in support of the  
Affidavit for Default Judgment:

Principal Amount	\$72,949.30
Court Costs	\$350.00
Attorney Fees	<u>\$ 10,949.15</u>
Total	<b><u>\$84,293.45</u></b>

Respectfully submitted June 6, 2007.

By:

  
Memory & Day

Von G. Memory (MEM001)  
James L. Day (DAY004)  
Attorneys for Deere &  
Company

OF COUNSEL:

Memory & Day  
Post Office Box 4054  
Montgomery, Alabama 36103-4054  
(334) 834-8000

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**STATE OF IOWA**

**COUNTY OF POLK**

**AFFIDAVIT OF WILLIAM ROSS**

BEFORE ME, the undersigned notary public, personally appeared William Ross, who, after being duly sworn and placed under oath, says as follows:

1. My name is William Ross. I am a resident of Polk County, Iowa and am employed by John Deere Construction & Forestry Company, Inc. I presently hold the title of Litigation Administrator.

2. In my capacity as Litigation Administrator, I have access to the books and records of John Deere Construction & Forestry Company, Inc., and know how they are kept. Furthermore, I have personal knowledge that the books and records of John Deere Construction & Forestry Company, Inc., are kept in the regular course of business and that it is the regular practice of John Deere Construction & Forestry Company, Inc., to record transactions in its books and records at



or about the time of their occurrence.

3. I am giving this affidavit in support of a motion for summary judgment prepared by my attorney, Von G. Memory.

4. That the full legal name and mailing address of this creditor is John Deere Construction & Forestry Company, Inc., Post Office Box 6600, Johnston, Iowa 50131-6600

5. Kimberly Hoover, as an authorized agent/ member of Broken Arrow Farms, L.L.C., entered into a loan contract- security agreement with John Deere Construction & Forestry Company, Inc., on January 3, 2005.

6. Broken Arrow Farms, L.L.C., and Kimberly Hoover failed or refused to pay according to the terms of the above loan contract- security agreement and it is in default.

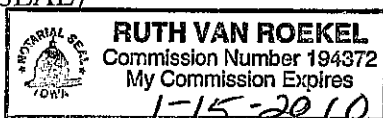
7. The loan contract- security agreement, allows for assessment of attorney fees and costs in the collection of this deficiency balance.

8. The above sums or amounts are true, valid and correct, as reflected upon creditor's books and is due and owing by the Debtor; that the balance shown to be due thereon is currently unpaid; that I have actual personal knowledge of the correctness of said account; that the books, records, and account of said creditor are kept and maintained under my supervision and control.

  
WILLIAM ROSS

Sworn to before me June, 4th 2007.

(SEAL)



  
Notary Public

Prepared by:

Memory & Day  
P.O. Box 4054  
Montgomery, AL 36104  
Phone (334) 834-8000  
Fax (334) 834-8001

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**STATEMENT OF EXPENSES IN SUPPORT OF  
AFFIDAVIT FOR DEFAULT JUDGMENT**

COMES NOW the Plaintiffs and submit the following in support of the  
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Principal Amount	\$72,949.30
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Total	<b><u>\$84,293.45</u></b>

Respectfully submitted June 6, 2007.

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Von G. Memory (MEM001)  
James L. Day (DAY004)  
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**DEFAULT JUDGMENT**

This action having been commenced on February 20, 2007 by the filing of the summons and complaint, and a copy of the summons and complaint having been personally served on the Defendant, Kimberly Hoover, on February 26, 2007 by certified mail, and proof of service having been made and the Defendant not having answered the complaint, and the time for answering the complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the Plaintiffs have judgment against Defendant, Kimberly Hoover, in the amount of \$72,949.30, plus costs and disbursements of this action in the amount of \$11,299.15, totaling **\$84,293.45.**

DONE and ORDERED at Montgomery, Alabama this \_\_\_\_ day of \_\_\_\_\_  
2007.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE